

Board Administration and Regulatory Coordination Unit

Division 3. Air Resources Board

Chapter 1. Air Resources Board

Subchapter 5. Emission Data, Sampling, and Credentials for Entry

Article 2. Source Testing

§ 91206. Request for Independent Tester.

(a) By August 1, 1981, or by June 1 of any year thereafter, any responsible party who seeks to have compliance testing performed by an independent tester for the following fiscal year shall inform the Executive Officer in writing of this desire. If no such request is made, then compliance testing for the fiscal year may be conducted by the Executive Officer or by an independent contractor to the State Board.

(b) All requests for an independent tester shall include the name(s) of the independent testers, the type of source or sources to be tested, the type of test or tests to be performed, and a statement by the responsible party that it will comply with the requirements of Sections 91208-91212 of this subchapter and that the designated independent tester has agreed to perform any necessary source testing.

(c) Independent testers shall in all cases be subject to approval by the Executive Officer.

(d) At any time a responsible party which has previously designated an approved independent tester pursuant to subsection (a) of this section may apply for the substitution, addition or removal of a designation of an independent tester. No such change shall be effective for at least 60 days following the application.

(e) The Executive Officer may compliance test any source and charge a fee to the responsible party for the cost of such test, notwithstanding a request for an independent tester, if any of the following conditions prevail:

(1) The responsible party has not designated an independent tester to the Executive Officer by August 1, 1981 or by June 1 for any year thereafter.

(2) The Executive Officer has found the designated independent tester(s) non-approvable.

(3) The designated independent tester has not timely submitted information requested by the Executive Officer pursuant to Section 91207(a).

(4) A violation has been found by the most recent source test conducted within a year prior to the proposed current source test; provided, however, that such restriction shall only apply for the specific source found in violation.

(5) The Executive Officer has determined that other good cause exists to deny the request.

NOTE: Authority cited: Sections 39600, 39601 and 41512, Health and Safety Code. Reference: Sections 41510, 41511 and 41512, Health and Safety Code.

REFERENCE